

NCA
VOC FOR PGM/FN
BACKGROUNDER NO. 5-5831
RICHARD KILIAN/GENEVA

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LAW OF THE SEA: NO TREATY

ANNCR:

THE SEVENTH SESSION OF THE LAW OF THE SEA CONFERENCE IS COMING TO A CLOSE IN GENEVA. COMMITTEE HEADS AND DELEGATION LEADERS ARE SUMMING UP THEIR WORK. EVERYONE INVOLVED HAS HIS OWN MEASUREMENT OF SUCCESS OR FAILURE. RICHARD KILIAN HAS BEEN FOLLOWING THE CONFERENCE FOR THE PAST EIGHT WEEKS AND SENDS THIS BACKGROUND REPORT.

VOICE:

AFTER A SOMEWHAT CONFUSED PROCEDURAL START, DELEGATES FROM 158 NATIONS WORKED HARD FOR FIVE WEEKS AGAINST THE CLOCK. AND WITH GOOD WILL.

MOST OF THEM BELIEVE THEY HAVE MADE PROGRESS ON MANY OF THE INTRICATE PROBLEMS THAT GO ALONG WITH THE CREATION OF NEW INTERNATIONAL LAWS TO GOVERN SEVEN-TENTHS OF THE PLANET -- THE OCEANS.

THERE'S BEEN PROGRESS ON SHARING MORE RATIONALLY THE FISH AND OTHER LIVING RESOURCES. ALSO PROGRESS ON FREEDOM OF NAVIGATION, NEW TERRITORIAL SEA LIMITS, EXCLUSIVE ECONOMIC ZONES, POLLUTION CONTROL, AND SCIENTIFIC RESEARCH. PROGRESS, YES, BUT NO HARD AND FAST AGREEMENT. THE DELEGATES HAVE NOT PRODUCED A TREATY. AND THAT WAS THE STATED GOAL OF THIS SESSION.

ONE ISSUE ... CONSIDERED THE MOST CRUCIAL .. ILLUSTRATES WHY THE CONFERENCE DID NOT SUCCEED IN PRODUCING A TREATY. THAT ISSUE IS DEEP SEABED MINING--HOW TO CONTROL THE EXPLOITATION AND ARRANGE THE SHARING OF UNDERSEA MINERAL WEALTH.

FOR BETTER OR FOR WORSE, DEEP SEABED MINING .. THE ASSUMED POT OF GOLD IN THE GREAT, SILENT OCEAN DEPTHS ... HAS BEEN THE KEY

ISSUE FOR THE PAST FIVE YEARS, AND HAS BECOME THE MAIN AREA OF POLITICAL CONFRONTATION BETWEEN THE HE DEVELOPED AND THE DEVELOPING WORLD.

AN AMERICAN CONFERENCE DELEGATE PUT IT THIS WAY:

"ALTHOUGH THE RESULTS HAVE BEEN SIGNIFICANT, THEY DO NOT DISPEL THE REAL QUESTIONS OF WHETHER AN AGREEMENT ON THIS SUBJECT IS EVER REALLY POSSIBLE."

HE ADDED THAT NINETY PERCENT OF THE PARTICIPANTS HAVE A POLITICAL, NOT AN ECONOMIC, INTEREST IN DEEP SEABED MINING. HE SAID MOST OF THEM REALIZE NOW THAT THEIR SHARE WOULD BE, AS HE PUT IT, A MERE PITTANCE.

TO REACH AGREEMENT, RHETORIC MUST BE OVERCOME, THE UNITED STATES DELEGATE ADDED, SO THAT SEABED MINING WILL MAKE GOOD ECONOMIC SENSE TO THE PEOPLE WHO MIGHT INVEST MONEY IN SUCH EXPENSIVE VENTURES.

VERY LITTLE PROGRESS HAS BEEN MADE, THE DELEGATE STRESSED, ON THE COMPOSITION AND THE VOTING PROCEDURE FOR A FUTURE INTERNATIONAL COUNCIL TO REGULATE SUCH MINING.

YOU CANNOT EXPECT COMPANIES TO INVEST THOUSANDS OF MILLIONS OF DOLLARS IN SEABED MINING IF THEY HAVE NO PROTECTION AGAINST ADVERSE DECISIONS BEING TAKEN BY A MAJORITY OF STATES WHICH HAVE NO ECONOMIC INTERESTS WHATSOEVER, THE AMERICAN DELEGATE EXPLAINED.

HOVERING OVER THE CONFERENCE HAVE BEEN IMMINENT UNILATERAL ACTIONS BY THE UNITED STATES WHICH WOULD ALLOW PRIVATE COMPANIES TO GO AHEAD AND MINE THE SEABED.

DELEGATES HOPED THEY COULD MAKE ENOUGH PROGRESS TO DELAY THAT UNILATERAL ACTION. THE AMERICAN OFFICIAL SAID HE DOES NOT THINK THERE IS ANY POSSIBILITY THAT PROPOSED MINING LEGISLATION IN WASHINGTON WILL BE DELAYED OR BE AFFECTED BY THE WORK OF THIS CONFERENCE.

UNFORTUNATELY, IN THE OPINION OF SOME CONFERENCE PARTICIPANTS DECISIONS CAN ONLY, UNDER PRESENT RULES, BE APPROVED AS A PACKAGE. SO, IF ANY ELEMENT OF THE DISCUSSION IS REMOVED, THE WHOLE EDIFICE CRUMBLES. A DEEP SEABED MINING AGREEMENT COULD TAKE ANOTHER FIVE YEARS TO PRODUCE AND THE AMERICAN DELEGATE ADDED THAT HE IS NOT SURE THERE WILL BE ENOUGH DESIRE IN THE INTERNATIONAL COMMUNITY TO KEEP THE NEGOTIATIONS GOING THAT MUCH LONGER.

SO, ON THE EVE OF THE CONFERENCE'S CONCLUSION, ALONG WITH THE REPORTED PROGRESS, THERE IS GROWING IMPATIENCE.

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WJL/RTD